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EXAMINER
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LE, MIRANDA

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2167

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/995,292

Applicant(s)

BUINEVICIUS ET AL.

Examiner

MIRANDA LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-14,16,18-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-14,16,18-23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to Amendment, filed 11/26/2007.
2. Claims 1-2, 4, 6-14, 16, 18-23 are pending in this application. Claims 1, 4, 6, 14, 16, 18, 21, 25 have been amended, and claims 1, 4, 6, 14, 16, 18, 21, 25 have been cancelled. This action is made non-Final due to the 101 rejections should have been made in the previous office action.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 1, 6, 14, 18, 21, 25 recite the limitation "summary profile", however, the term "summary profile" is not found in the Specification. There is insufficient antecedent basis for this limitation.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 14-20 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 14 recites “a system” and invokes 112 6 par by reciting means for “ language. However, according to the specification, the means for capturing...; processing...; selectively presenting... appear to be computer program modules, hence, the system of claim 14 does not define any specific hardware. The system is not tangible embodied in a manner so as to be executable. Therefore, in order to overcome this type of 101 rejection the claim needs to be amended to include physical computer hardware (e.g. processor, memory) to execute the software components. See MPEP 2106.01.

The claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. It is clearly not a series of steps or acts to be a process nor is it a combination of chemical compounds to be a composition of matter. As such, it fails to fall within a statutory category. It is, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an

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algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claims 15-20 are dependent upon claim 14, suffer from deficiencies similar to their respective base claim, and therefore are likewise rejected.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 2, 4, 6-14, 16, 18-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 7,006,671)), in view of Toyama et al. (US Patent No. 7,068,309), and Lee (US Patent No. 6,947,578), and further in view of Hacker (US Patent No. 6,988,075).

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As to claims 1, 14, Yamaguchi teaches a method of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information, the method comprising (col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B);

capturing media (*i.e. the captured image, col. 5, lines 31-54*), biometric (*i.e. a fingerprint, voiceprint, hair, or nail, col. 3, line 63 to col. 4, line 4*), and database information (*i.e. the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person, col. 5, lines 31-54*) association with an individual (*i.e. a personal identification, col. 2, lines 19-29*);

including time information (*i.e. from X to Y o'clock, col. 5, lines 43-54; the registration date, date/time and place of identification of the registered person, col. 5, lines 31-42*) with the captured media (*i.e. images of persons who used the personal identification apparatus from X to Y o'clock, col. 5, lines 43-54*), biometric (*i.e. a plurality of pieces of specific information (e.g., fingerprint and face) of the object person, col. 2, lines 13-18*), and database information associated with an individual (*i.e. a personal identification, col. 2, lines 19-29*) to create a multi-modal chronological dossier of the individual (*i.e. FIG. 2. At the initial time, the pieces of information are arranged in the order of, e.g., registration, col. 5, lines 31-42*), wherein the time information (*i.e. the registration date when these pieces of information are stored in the storage device 11, col. 5, lines 31-54; date/time and place of identification of the registered person, col. 5, lines 31-54*) includes when the media (*i.e. the captured image, col. 5, lines 31-54*), biometric (*i.e. a fingerprint, voiceprint, hair, or nail, col. 3, line 63 to col. 4, line 4*), and

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database information (*i.e. the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person, col. 5, lines 31-54*) is captured (*i.e. The storage device 11 stores, for each registered person, pieces of information including the captured image or extracted feature as the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person. The pieces of information registered for each registered person have, e.g., the data format as shown in FIG. 2. At the initial time, the pieces of information are arranged in the order of, e.g., registration, col. 5, lines 31-42*);

processing the media, biometric, and database information to extract (*i.e. an extraction device which can extract specific information, col. 2, lines 30-45*), analyze (*i.e. a classification device which classifies whether the object person is included in the registered persons, col. 2, lines 30-45*) and sort (*i.e. a registered information operation device which sorts an order of the pieces of specific information of the registered persons, col. 2, lines 30-45*) through digital information (*i.e. the captured image, col. 5, lines 31-54; a fingerprint, voiceprint, hair, or nail, col. 3, line 63 to col. 4, line 4*) associated with a number of individuals (*i.e. a personal identification, col. 2, lines 19-29*);

providing a user interface (*i.e. The presentation device 12, col. 5, lines 43-54*) that can be configured to retrieve (*i.e. requests, col. 5, lines 43-54*), view (*i.e. present the pieces of*

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*information stored in the storage device 11, col. 5, lines 43-54), manage, compare (i.e. comparing the pieces of specific information of the registered persons, col. 2, lines 30-45), and analysis (i.e. a classification device which classifies whether the object person is included in the registered persons, col. 2, lines 30-45).*

Notably, the step of annotating the captured information is implicitly taught by Yamaguchi as classify the registered persons (*i.e. the registered persons are to be subjected to classification, col. 2, lines 46-59*).

The term “summary profile” is implied in the teaching of Yamaguchi as the pieces of information associated with the personal identification (*i.e. The presentation device 12 can present the pieces of information stored in the storage device 11, including its sequential structure, to the administrator who administrates the personal identification apparatus, as needed. For example, when the administrator requests the personal identification apparatus to present "persons to be identified, who recently used the personal identification apparatus" or "images of persons who used the personal identification apparatus from X to Y o'clock", pieces of information stored in the storage device 11 are read out and presented to the presentation device 12. The administrator can easily obtain necessary information at a necessary time, col. 5, lines 43-54*).

The term “multi-modal chronological dossier of the individual” is implied in the teaching of Yamaguchi as the pieces information associated with a personal identification being arranged in the order of the time of registration (*i.e. FIG. 2. At the initial time, the pieces of information are arranged in the order of, e.g., registration, col. 5, lines 31-42; See Fig. 3B*).

However, while Yamaguchi does not explicitly teach:



annotate the captured information;

selectively presenting a summary profile in the user interface, wherein the summary profile comprises a plurality of images of the individual captured at different times as part of the multi-modal chronological dossier of the individual;

multi-modal chronological dossier of the individual;

Toyama fairly teaches annotate the captured information (*image annotation scheme*, *Summary*; *col. 3, lines 38-50; col. 4, lines 49-67*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi and Toyama at the time the invention was made to modify the system of Yamaguchi to include annotate the captured information as taught by Toyama. One of ordinary skill in the art would be motivated to make this combination in order to allow the users to effectively search and control access to the photo index or photo database in view of Toyama, as doing so would give the added benefit of easily sharing images with a specific small group of people, a larger group of people, or the whole world as taught by Toyama (*col. 3, lines 25-37*).

Lee teaches presenting a summary profile (*i.e. subjects' records amongst different offices, agencies, or jurisdictions, col. 10, lines 8-17*) in the user interface (*i.e. a graphic user interface 1150 is shown in FIG. 8A, col. 10, lines 8-17*), wherein the summary profile comprises a plurality of images (*i.e. captured thumb/fingerprints, col. 10, lines 18-37; that field 1156a may contain detailed graphic representations of certain captured biometric data such as a full set of thumb/fingerprints, col. 10, lines 38-52*) of the individual captured at different times (*See Fig. 8A*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi, Toyama, and Lee at the time the invention was made to modify the system of Yamaguchi and Toyama to include the limitations as taught by Lee. One of ordinary skill in the art would be motivated to make this combination in order to provide a system for capturing in substantially concurrent manner a plurality of images of a given subject in acquiring a predetermined set of identification data (Summary) in view of Lee, as doing so would give the added benefit of providing a system for quickly and conveniently acquiring various aspects of identification data pertaining to a subject (Summary) as taught by Lee.

Hacker teaches the multi-modal chronological dossier of the individual (*See Fig. 2; chronological table of contents (TOC), or from other categorized sections 220 such as by doctor, by diagnostic test, by prescription, etc. The browser window can also provide a menu 230 for selecting other tools for viewing data from the patient's record, col. 8, lines 46-67*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi, Toyama, Lee, and Hacker at the time the invention was made to modify the system of Yamaguchi, Toyama, Lee to include the limitations as taught by Hacker. One of ordinary skill in the art would be motivated to make this combination in order to obtain hypertext that links to the records which can be chosen from a chronological table of contents (col. 8, lines 46-67) in view of Hacker, as doing so would give the added benefit of advancing a system and service for centrally storing patients medical records electronically on a database for patient-controlled remote access by both patients and medical providers over a public network (col. 6, lines 14-18) as taught by Hacker.

**As per claim 21**, Yamaguchi teaches a processing system comprising:

a central processing unit (CPU) (*Fig. 1, col. 10, lines 16-19*); and

a storage device coupled to the CPU and having stored there information for configuring the CPU to:

capture media, biometric, and database information associated with an individual (*i.e. information related to a bodily feature such as a fingerprint, voiceprint, hair, or nail can also be used as specific information, or a physical key such as an IC card can also be used as specific information. Security can be improved using a plurality of pieces of specific information, col. 3, line 63 to col. 4, line 4*);

assign timing information (*i.e. timepiece 18, Fig. 1*) to the captured media, biometric, and database information associated with the individual to form a history of captured information including times of when the media, biometric and database information is captured (*i.e. for each registered person, pieces of information including the captured image or extracted feature as the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person; "images of persons who used the personal identification apparatus from X to Y o'clock", col. 5, lines 31-54*);

processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals (*i.e. extract specific information of an object person from the object person, col. 2, lines 3-45; the sorting method, col. 5, line 61 to col. 6, line 3*);

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providing a user interface (*i.e. The administrator can easily obtain necessary information at a necessary time, col. 5, lines 31-54*) that can be configured to retrieve, view, manage, compare, and analysis (*i.e. classifies; comparing, sorts, col. 2, lines 3-45*).

Yamaguchi does not teach annotate the captured information.

Toyama teaches annotate the captured information (*col. 3, lines 38-50; col. 4, lines 49-67*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi and Toyama at the time the invention was made to modify the system of Yamaguchi to include annotate the captured information as taught by Toyama.

One of ordinary skill in the art would be motivated to make this combination in order to allow users to effectively search and control access to the photo index or photo database in view of Toyama, as doing so would give the added benefit of easily sharing images with a specific small group of people, a larger group of people, or the whole world as taught by Toyama (*col. 3, lines 25-37*).

Yamaguchi and Toyama do not explicitly teach selectively presenting a summary profile in the user interface, wherein the summary profile comprises a plurality of images of the individual captured at different times.

Lee teaches selectively presenting a summary profile in the user interface, wherein the summary profile comprises a plurality of images of the individual captured at different times (*See Fig. 8A*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi, Toyama, and Lee at the time the invention was made to modify the system of

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Yamaguchi and Toyama to include the limitations as taught by Lee. One of ordinary skill in the art would be motivated to make this combination in order to provide a system for capturing in substantially concurrent manner a plurality of images of a given subject in acquiring a predetermined set of identification data (Summary) in view of Lee, as doing so would give the added benefit of performing a system for quickly and conveniently acquiring various aspects of identification data pertaining to a subject (Summary) as taught by Lee.

Yamaguchi, Toyama, and Lee do not expressly teach the multi-modal chronological dossier of the individual.

Hacker teaches the multi-modal chronological dossier of the individual (*See Fig. 2; chronological table of contents (TOC), or from other categorized sections 220 such as by doctor, by diagnostic test, by prescription, etc. The browser window can also provide a menu 230 for selecting other tools for viewing data from the patient's record, col. 8, lines 46-67*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi, Toyama, Lee, and Hacker at the time the invention was made to modify the system of Yamaguchi, Toyama, Lee to include the limitations as taught by Hacker. One of ordinary skill in the art would be motivated to make this combination in order to obtain hypertext that links to the records which can be chosen from a chronological table of contents (col. 8, lines 46-67) in view of Hacker, as doing so would give the added benefit of a system and service for centrally storing patients medical records electronically on a database for patient-controlled remote access by both patients and medical providers over a public network (col. 6, lines 14-18) as taught by Hacker.

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**As per claim 2**, Yamaguchi teaches the media, biometric, and database information includes a facial image, voice audio, or fingerprint (*col. 3, line 63 to col. 4, line 4*).

**As to claims 4, 16**, Lee teaches the summary profile further comprises an abstract including intelligent portions of various captures of media, biometric, and database associated with the individual (*See Fig. 8A*).

**As to claims 6, 18**, Yamaguchi teaches the selective presentation of the summary profile in the user interface is in response to a search query (*col. 5, lines 31-54; col. 9, lines 45-53*).

**As to claims 7, 19**, Yamaguchi teaches providing for a user-defined search of digital information associated with a number of individuals (*col. 5, lines 31-54*).

**As to claims 8, 20**, Yamaguchi teaches conducting a more like this search when a search result from the user-defined search of digital information associated with a number of individuals is explored (*col. 5, lines 31-54*).

**As per claim 9**, Yamaguchi teaches the more like this search uses facial, and other biometric information to find matches (*col. 5, lines 31-54*).

Hacker teaches the more like this search uses speech, and other biometric information to find matches (*i.e. Although the system can use any suitable means for providing a unique access identification means for each patient, including assigned alpha-numeric passphrases, smart*

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*cards, and biometric samples (voiceprint, fingerprint, retina scan, DNA-ink, etc.), a preferred embodiment that will be used for this description is a card (or bracelet for hospitalized patients) with a unique bar code for each patient, col. 7, lines 43-50).*

**As per claim 10**, Yamaguchi teaches capturing media, biometric, and database information associated with an individual includes using a video camera to capture audio and moving pictures of the individual (*col. 4, lines 5-67*).

**As per claim 11**, Yamaguchi teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes analyzing the media, biometric, and database information with respect to identification factors (*col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B*).

**As per claim 12**, Yamaguchi teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes comparing captured media, biometric, and database information of a first individual with media, biometric, and database information of a number of categorized individuals to find a best match (*col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B*).

**As per claim 13**, Yamaguchi teaches displaying video thumbnails of video images of the number of individuals on the user interface (*Fig. 6*).

**As per claim 22**, Yamaguchi teaches a presentation device wherein the presentation device is configured to provide a graphical user interface which presents representations of the captured media, biometric, and database information associated with the individual (*col. 5, lines 31-54*).

**As per claim 23**, Toyama teaches an interface device configured to connect the CPU with a network of computers (*col. 3, lines 25-37*).

**As per claim 25**, Lee teaches the summary profile further comprises an abstract including intelligent portions of various captures of media, biometric, and database information associated with the individual (*See Fig. 8A*).

#### ***Response to Arguments***

8. Applicant's arguments filed 11/26/2007 have been fully considered but they are not persuasive.

A. Applicant argues that the prior arts do not teach **selectively presenting summary profile in the user interface, wherein the summary profile comprises a plurality of images of the individual captured at different times**.

The Examiner respectfully disagrees for the following reasons:

It is noted that although Yamaguchi does not explicitly teach the term "summary profile", Yamaguchi discloses the pieces of specific information of the registered persons including name, staff number, fingerprint and face which can be understood as a summary profile (*i.e. The pieces*



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*of specific information of the registered persons are arranged in the order of registration of the registered persons, as described above, or in the order of name, staff number, or the like. The specific information of a new registered person is registered after the already stored information, and this order is fixed and stored in the database or the like, col. 2, lines 1-12; a plurality of pieces of specific information (e.g., fingerprint and face) of the object person are compared with the pieces of stored specific information of the registered persons to improve the accuracy of security, the comparison time becomes longer, resulting in a further increase in standby time for the object person, col. 2, lines 13-18).*

In addition, "plurality of images of individual captured at different times" equates to images of persons who used the personal identification apparatus from X to Y o'clock of Yamaguchi's (i.e. For example, when the administrator requests the personal identification apparatus to present "persons to be identified, who recently used the personal identification apparatus" or "images of persons who used the personal identification apparatus from X to Y o'clock", pieces of information stored in the storage device 11 are read out and presented to the presentation device 12. The administrator can easily obtain necessary information at a necessary time, col. 5, lines 43-54).

To further clarify the summary profile of the claimed limitation, Lee explicitly teaches a summary profile as in Fig. 8A (i.e. the record contains information which communicates the *WHEN* (day, date and time); *WHERE* (location, district, precinct, . . . ); *WHO* (physical data, distinguishing traits, name, birthdate, . . . ); *WHAT* (incident, suspected criminal offense, nature of the incident, . . . ); *WHY* (reason, cause, motive, . . . ); and, *HOW* (results, consequences, effects, . . . ). The exemplary record 1150 graphically depicted in FIG. 8A includes a plurality of

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*views 1152a, 1152b, 1152c of the subject captured concurrently from different angular perspectives. Various biologic, biographic, and demographic information is integrated with other readily observable distinguishing trait information within information field 1154. Along with this field 1154 is included a field 1155 containing the suspect's captured thumb/fingerprints and signature or handwriting sample, col. 10, lines 18-37).*

The record of Lee comprises a plurality of images as the suspect's captured thumb/fingerprints belonging to a field 1155 (*i.e. Along with this field 1154 is included a field 1155 containing the suspect's captured thumb/fingerprints and signature or handwriting sample, col. 10, lines 18-37*), and a full set of thumb/fingerprints belonging to a field 1156a (*i.e. Beneath fields 1154 and 1155 is then included one or more fields of information 1156a, 1156b, 1156c. Information field 1156a may, for example, contain various biometric parameter measures and a listing of various characterizing traits. If necessary, that field 1156a may contain detailed graphic representations of certain captured biometric data such as a full set of thumb/fingerprints and extensive signature/handwriting samples stored in separately displayable record portions linked for access via corresponding parameter tags (displayed in the field). In addition to or in place of this informational field 1156a, one or more other informational fields 1156b, 1156c may be employed to provide such information as the country and jurisdictional details pertaining to the given record, or biographic and other personal data/history pertaining to the given subject, col. 10, lines 38-52).*

It has been brought to applicant's attention that the thumb/fingerprints from field 1155 and a full set of thumb/fingerprints from field 1156a are captured at different times since all the information fields 1156a, 1156b, 1156c provide other personal data/history to the given record.

In response to applicant's arguments that Lee teaches away from the invention, the examiner respectfully disagrees. It has been held that a prior art reference must either be in the field of appellant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the appellant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the cited references are within the same field of endeavor as the claimed invention.

Yamaguchi and Lee are analogous art because they are from the same field of endeavor of methods and systems for registering, capturing, accessing biometric and database information. A skilled artisan would have been motivated to combine Yamaguchi and Lee and the motivation for doing so would have been for the benefit of providing a system of capturing in substantially concurrent manner a plurality of images of a given subject in acquiring a predetermined set of identification data (Summary). Therefore, at the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Yamaguchi and Lee to quickly and conveniently acquire various aspects of identification data pertaining to a subject (Summary).

Yamaguchi, Lee as combined do teach the claimed limitation "a summary profile" which "comprises a plurality of images of the individual captured at different times" as recited in claims 1, 14, 21.

In response to applicant's argument that Hacker fails to teach "a summary profile" which "comprises a plurality of images of the individual captured at different times" as recited in claims 1, 14, 21, the examiner respectfully notes that Hacker was not relied upon for this teaching.

B. Applicant argues that the prior arts do not teach **“time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual”**.

The examiner respectfully disagrees for the following reasons:

B1. According to the instant specification, the concept of “time information” is specified as *“One application of the present invention can be in the context of security or surveillance. Synchronizing information from media capture and processing technologies using an indexing and analysis engine along with facial, positional, voiceprint and other biometric data creates a rich, time-based repository about the individual. The detailed capture, encapsulation, indexing and cataloging of multi-modal information allows security personnel to interact with the system to gain an intelligent and unified perspective. Viewing is further enhanced through skimming technology, allowing, for example, up to an 80% reduction in search and review time of a profile”, (0010).*

Similarly, Yamaguchi discloses the time information as registration date/time when the pieces information including the captured image, biometric information associated with the object person is stored in the storage device 11, col. 5, lines 31-42. Therefore, the date/time of Yamaguchi equals to time-based repository as disclosed in Application.

B2. The instant specification defined **the step of creating a multi-modal chronological dossier of the individual**, as follows:

“The present invention relates to a system for and method of capture, analysis, management, and access of disparate types and sources of **media, biometric, and database information**. An exemplary embodiment of the invention can be described as a complete

application and integration framework for building a unified and intelligent view of individuals, regardless of data source or type. Such an exemplary embodiment can include (1) a comprehensive capture solution for media, biometric, and database information; (2) **a multi-modal analysis system designed to extract, analyze and quickly sort through large volumes of digital information**; (3) a web- and client-side user interface providing retrieval, viewing, managing, comparing and annotating of captured information and analysis; and (4) an interface that enables interoperability with third party and in-house databases” (0009).

Analogously, Yamaguchi reads on the claimed limitations as follows:

**Biometric information** equates to a fingerprint, voiceprint, hair, or nail of Yamaguchi’s (i.e. a plurality of pieces of specific information (e.g., fingerprint and face) of the object person, col. 2, lines 13-18; a fingerprint, voiceprint, hair, or nail, col. 3, line 63 to col. 4, line 4).

**Media information** equates to images of persons of Yamaguchi’s (i.e. images of persons who used the personal identification apparatus from X to Y o’clock, col. 5, lines 43-54)

**Database information** equates to the specific information of the registered person (*i.e. the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person, col. 5, lines 31-54*).

Moreover, Yamaguchi discloses the steps of the steps of extracting, analyzing, and sorting digital information as follows:

“According to the present invention, there is provided a personal identification apparatus comprising a storage device which stores specific information of each of registered persons, an

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extraction device which can extract specific information of an object person from the object person, a classification device which classifies whether the object person is included in the registered persons by comparing the pieces of specific information of the registered persons, which are stored in the storage device, with the specific information of the object person, which is extracted by the extraction device, and a registered information operation device which sorts an order of the pieces of specific information of the registered persons, which are stored in the storage device, in accordance with a use situation of the registered persons, or sets whether the registered persons are to be subjected to classification”, col. 2, lines 30-45.

From the excerpt paragraph, it is noted that the step of analysis of digital information of claimed limitation equals to the step of classification of the pieces of specific information as taught by Yamaguchi. It is further noted that the steps of creating the pieces of information associated with a personal identification, and the pieces of information are arranged in order or registration time (*i.e. FIG. 2. At the initial time, the pieces of information are arranged in the order of, e.g., registration, col. 5, lines 31-42; See Fig. 3B*).

Thus, the term “multi-modal chronological dossier of the individual” is implied in the teaching of Yamaguchi as the pieces information associated with a personal identification, even though Yamaguchi does not fairly states “multi-modal chronological dossier of the individual”.

Hacker, however, explicitly teaches the multi-modal chronological dossier of the individual (*See Fig. 2; chronological table of contents (TOC), or from other categorized sections 220 such as by doctor, by diagnostic test, by prescription, etc. The browser window can also provide a menu 230 for selecting other tools for viewing data from the patient's record, col. 8, lines 46-67*). It should be noted that a plurality of images of claimed invention equates to

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fingerprint, retina scan of Hacker (*col. 7, lines 43-50*). Therefore, it is the examiner's position that the cited arts do read on the claimed limitation.

Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
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